

**Minutes of the Regular Meeting of the
Buena Vista Planning and Zoning Commission
July 7, 2010**

CALL TO ORDER

Regular meeting of the Planning and Zoning Commission was called to order at 6:08 PM, Wednesday, July 7, 2010, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Chairwoman Baker. Present were Commissioners Bill Yinger, Ken Keller, Jed Selby and Chairwoman Baker, Town Planner Shannon Haydin arrived at 6:10 p.m., Town Engineer Rachel Friedman and Deputy Town Clerk Jennifer Dixon.

ROLL CALL

Deputy Town Clerk Dixon proceeded with the roll call and declared a quorum.

PLEDGE OF ALLEGIANCE

Chairwoman Baker led in the Pledge of Allegiance.

AGENDA ADOPTION

Chairwoman Baker called for amendments to the agenda. There were none. **Motion #1** by Commissioner Yinger, seconded by Commissioner Keller, to adopt the agenda as presented. Motion carried.

Approval of the Minutes

Chairwoman Baker called for approval of the June 16, 2010 minutes. **Motion #2** by Commissioner Keller, second by Commissioner Yinger to approve the minutes as presented. Motion carried.

PUBLIC COMMENT

Chairwoman Baker Opened Public Comment

Chairwoman Baker read in the letter written by Carle Linke, 32709 Columbia Ranch Road, Buena Vista, CO 81211.

Letter as it was sent to Board of Trustees and Planning and Zoning:

*"Town of Buena Vista
Board of Trustees
Planning and Zoning*

Please read and discuss at the next Town Trustee and next P & Z meeting.

There is a clear zoning code violation trying to take effect on Brookdale Ave. Previously the EMT housed their Emergency vehicles there. There is a sign for a Auto Glass and Tire store. I have called the owner to let him know that this is a clear violation of the zoning regulations.

It clearly states in Sec. 16-156 B-1 uses NOT permitted.

- 1) Auto and mechanized equipment sales yards, including truck and trailer and open sales yards.*
- 2) Farm machinery and equipment open sales yards.*
- 3) Auto and Vehicle equipment repair and paint shops.*
- 4) Mobile home and travel trailer open sales yards.*
- 5) Veterinary hospitals and kennels.*
- 6) Uses requiring open storage of goods, materials, equipment, parts or machinery.*
- 7) Uses pertaining to the keeping of farm animals.....*

According to the owner of the Auto Glass and Tire store everything is approved by employees of the Town of Buena Vista.

So to reiterate what the Town P & Z code said and its meaning, lets look at it more closely to understand the meaning of each word more clearly.

#1 "Auto" means cars trucks, semi tractors, etc.... "Vehicle" = anything that moves on wheels!
#2 "Open sales yards" Tires are usually placed outside the building as equipment for "Autos" to sell correct?
#3 "Auto repair" When you take a flat tire off of a "Vehicle" / "Auto" do you not repair it and put it back on? When you remove a broken windshield from a "Auto /"vehicle" do you not put a new one on? "Tire stores also use mechanized equipment - like impact wrenches, balancing machines, Lifts, Jacks, Alignment racks, etc.... and why not change the oil and lube and grease the wheels or change the brake pads while we are here. Is there someone paid by the town to make sure there aren't cans of oil, grease, gas or other dangerous propellants typically used in this industry around.
#6 "Open Storage of Goods" do you really think that they will store all of those used tires and broken windshields inside?

The code has been written for a reason. The Impact wrenches for changing "REPAIRING" tires are very noisy. And there are residents across the street who have the right to quiet enjoyment of their homes. Also windshields can be very difficult to get out, and sometimes the "Auto" glass "REPAIR" Tech. has to smash them out, and glass shards can be very hazardous. Along with "REPAIRING" "Auto" tires, wheels need to be balanced, rotated, studded, patched, etc.... Doesn't this sound like an Auto and vehicle repair shop to you? The other reason for this code is to protect the sight of the neighborhood, so when you drive to the Post Office you get to see tires and vehicles and garage doors open all day, not to mention the extra traffic or a semi tractor trailer blocking an already extremely busy street.

Then when you park at the Post Office look behind the "auto" garage and see hundreds of used dirty tires, and broken windshields thrown in a fence and over flowing.

We are aware that there was a clear code violation by a former owner of the building, who had a auto tire and repair shop in the building. This previous code violation need not set a precedence, You serving as Town Trustees and P & Z Members can make this right once and for all. Please note that running a business and creating jobs is fantastic for this community, but also note that when prospective legitimate business owners were offered the building to run their auto repair shops they turned the offers down because they knew it was against zoning regulations, These business owners are still in business, and I personally patronize them because of their ethics. What good are Building Codes, Zoning Regulations if one person can come in and find a loop hole.

Thank you for reading this in your meetings, I am unable to be present, and only ask that you do the right thing and abide by the rules set up by the Town for good reason!"

RESPONSE TO PUBLIC COMMENT

Planner Haydin passed out letters for the response to Carle Linke's letter.

"From: Carle [REDACTED]
Sent: Wednesday, July 07, 2010 6:23 PM
To: Shannon Haydin
Subject: Re: 102 Brookdale

Shannon, in response to your writing, mine is in red. Carle Linke
----- Original Message -----

From: Shannon Haydin
To: [REDACTED]
Sent: Wednesday, July 07, 2010 3:03 PM
Subject: 102 Brookdale

I apologize that I must contact you via email, rather than telephone, but I have lost my voice and a telephone call will not work. I am sorry you are under the weather, and hope you feel better soon. I received your email regarding the business located at 102 Brookdale and will distribute it to the Planning & Zoning Commission this evening. However, general permitting issues are not within their purview; any action, if they wish to take it, would need to be centered on potential revisions to the zoning code that they may deem

B. The Villages at Cottonwood Meadows Sketch Plan Amendment

John Cogswell wanted to note that in July 2009 when they reapplied at the request of the town to salvage this project. In the application it states in paragraph 19

“The developer hereby discloses that market forces which drive financial support favor some changes to the current plan to include the following:

(1) The addition of a 9-hole golf course to connect to the existing 9-hole course to provide an 18-hole golf course.” Mr. Cogswell wanted to add that there was not enough of their land to put 9-holes for golf and the Town would have to contribute land. But he wanted to raise attention to this that it was mentioned in July of 2009.

“(2) The movement of the senior house facility closer to Town to permit this to go forward as soon as possible with reduced infrastructure expense.

(3) Changes implicated by the foregoing changes include a potential reduction in the number of lots and modifications to the size and location of open space, CSA land, trails and possible other amenities.”

On November 10, 2009 when the Trustees had their hearing Mr. Cogswell did not know about the Trust for Public Land. The Trust for Public Land found out about the Farm in a September 2009 Denver news article. They made contact with Mr. Cogswell and they wanted to acquire land people liked and preserve land. Because of the contiguous piece of land requirement this is what brought on these changes.

Withdrawal the sketch plan application except for a specific section. Please see map provided in packet.

Chairwoman Baker asked for clarification regarding the zoning. Mr. Cogswell stated that the zoning would remain the same, if there were any changes to zoning they would have to amend the sketch plan. This will still be a mixed use area. What planning and zoning would be approving is T4-MU. Planner Haydin stated that the uses shown on the list earlier are all items allowed in that zoning.

Planner Haydin went over the conditions in discussion with the Commission and the following motion was made.

Motion #4 by Commissioner Keller, seconded by Commissioner Yinger, to recommend approval to the Board of Trustees of the Sketch Plan and conditions as amended for the first filing of Cottonwood Meadows. Motioned carried, Commissioner Selby abstained.

1. The applicant must provide detailed information on the floodplain and floodplain impacts associated with the Meadows in conjunction with the submission of the preliminary plat.
2. The applicant shall work with the Town on parkland dedication and submit detailed park/trail design sections with the preliminary plat.
3. The applicant must submit a preliminary and final plat for the senior living facility which may be a combined preliminary/final subdivision plat application. Combined preliminary/final subdivision plats will not be acceptable for other phases in the Meadows PUD.
4. The applicant shall prepare a utility/infrastructure master plan for each filing that addresses water, sewer, drainage, other utilities and transportation infrastructure that defines how each development phase of the project interfaces with the overall utility master plan at the time of Preliminary Plat.
5. Affirmation of a willingness and ability to serve this project shall be provided by all utility providers in conjunction with the preliminary plat including, but not limited to, water sewer, electric, cable television, gas and telephone. This information shall be submitted in conjunction with the preliminary plat application.

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6. The applicant shall submit a soils and geotechnical investigation with the preliminary plat sufficient to determine suitability for development purposes.
7. The preliminary plat shall include a detained signage plan in conformance with the Manual of Uniform Traffic Control Devices identifying the design, type and location of each traffic control device and street name sign in the filing.
8. The applicant shall submit a street lighting plan showing location, use of downcast cutoff fixtures, fixture specification and bulb wattage (including photometric) with the preliminary plat.
9. The preliminary plat shall show a non-motorized trail access connection to adjacent off-site locations where the trails have been constructed or future trails are planned.
10. Wetlands and/or 404 permits shall be required at the time of final plat for all construction within the 100 year floodplain, including sewer lines.
11. A CLOMAR (Condition Letter of Map Revision) is required at the time of final plat of the first filing within the floodplain according to applicable rules and regulations.

C. Zoning Code Amendment Allowing Vacation Rentals as a Special Use in the Residential Zone Districts.

Staff has discovered that Vacation Rentals are not currently allowed in town limits. Planner Haydin this issue took before the Board of Trustees. The Trustees wish to make this an “allowed by a special use”. Typically a Special Use Permits are restrictive to the person requesting.

After a discussion the following motion was made.

Motion #5 by Commissioner Selby, second by Commissioner Keller, to recommend to the Board of Trustees that the vacation rentals as defined in the tourist accommodation be a use by right in the Town of Buena Vista, Motion Carried.

D. Review of an Ordinance Regulating Adult Oriented Businesses

Planner Haydin went over the ordinance proposed for Adult Oriented Businesses.

After a brief discussion the following motion was made.

Motion #6 by Commissioner Yinger, seconded by Commissioner Keller, to recommend approval to the Board of Trustees the ordinance as proposed. Motion Carried.

OLD BUSINESS

A. Zoning Code Amendment for Fences

Planner Haydin discussed presenting the last ordinance to the BOT and their direction to have Planning and Zoning re review this and create a simple way to review higher fences with an inexpensive ordinance.

After discussion the following motion was made.

Motion #7 by Commissioner Selby, second by Commissioner Keller, recommend to leave the fence code as it stands and leave it to the Board of Trustees to direct the Town staff on their code enforcement priorities. Motion carried.

The Commission also requested staff to have Board of Trustees direct staff prioritization enforcement of this.

B. Zoning Code Update for Downtown

Planner Haydin provided the Smart Code. Clerk Dixon will print off the Smart Code and provide them to the Commission.

Commissioner Selby requested that Planner Haydin contact South Fork to see if they were happy with the Smart Code and how much the consulting fees were.

C. Economic Development Tools and Incentives for Reducing Storefronts Vacancies on Main Street.

Planner Haydin has reviewed the Historic Provisions with the Historic overlay and will bring in further information for that. Planner Haydin recommended we get the Historic Provisions in place right away in order to protect the downtown area.

Salida is going to allow Planner Haydin to review the International Maintenance Code to see if this is something that would be good for the town.

CHAFFEE COUNTY REPORT

None

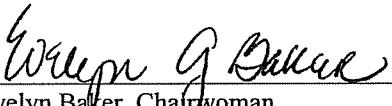
STAFF REPORT

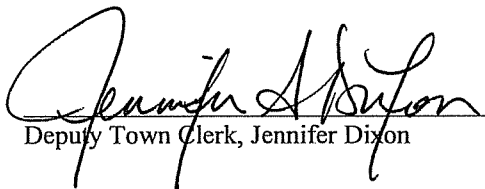
Planner Haydin went over what the Code Enforcement officer, Tony, has been getting done. He has had some success with a lot on the list. The ones remaining are ones with more issues than the junk. Several individuals have severe health issues such as surgery.

ADJOURNMENT

Motion #7 by Commissioner Selby, seconded by Yinger, noting that there being no further business to come before the Board declared that the meeting be adjourned at 9:39 PM. Motion carried.

Respectfully submitted:


Evelyn Baker, Chairwoman


Deputy Town Clerk, Jennifer Dixon

